



~~April 18, 2006 CPC~~
May 24, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0174

Kevin Bottoms

Clover Hill Magisterial District
Clover Hill Elementary, Swift Creek Middle and Clover Hill High Schools Attendance Zones
Northeastern terminus of Saint Elizabeth Drive

REQUEST: Rezoning from Agricultural (A) to Residential (R-12).

PROPOSED LAND USE:

A residential subdivision having a maximum of twenty-five (25) lots is planned, yielding a density of approximately 1.8 dwelling units per acre with a minimum lot size of 15,000 square feet. (Proffered Condition 3)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 9.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less.
- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is

discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- | | | |
|-------------|----|---|
| (STAFF/CPC) | 1. | Public water and wastewater shall be used. (U) |
| (STAFF/CPC) | 2. | The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:

A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or

B. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.

C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M) |
| (STAFF/CPC) | 3. | The maximum density of this development shall not exceed twenty five (25) dwelling units. (P) |
| (STAFF/CPC) | 4. | Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE) |
| (STAFF/CPC) | 5. | <u>BMPs.</u>

a) The developer shall convert the existing SWM/BMP device by constructing Phase II of the original design, as shown on the plans titled Walgreen's – Spring Run, prepared by |

Balzer and Associates Inc. and dated September 19, 2000 and revised May 23, 2001. (EE)

- b) The BMP referenced in 5.a. shall be designed and constructed to accommodate runoff from the property and Clover Hill High School. All drainage except that which drains to 724-672-8102 (commonly known as Aunt Sarah's) and that which drains from the northern portion of the subject property shall be directed through this BMP. At a minimum, the BMP shall be fenced so as to only allow access from Tax ID 726-673-1225 (Clover Hill High School) and shall be designed with both safety and aquatic benches. The design of the fence, safety bench and aquatic bench shall be approved by the Planning and Environmental Engineering Departments. (P & EE)
- c) The following easements shall be dedicated to and for the benefit of Chesterfield County, in a form acceptable to the County:
 - i. A fifty (50) foot easement, north of the SWM/BMP, from the northern boundary of the SWM/BMP north for the remaining length of the eastern Property line. Except where necessary to accommodate utility extensions, there shall be no clearing or grading within this easement. If clearing or grading is necessary to accommodate utility extensions, measures shall be taken to minimize the amount of tree removal within the easement. A minimum of one (1) week prior to clearing, the owner/developer shall flag the limits of clearing for inspection by the Planning, Utilities and Environmental Engineering Departments as well as the Clover Hill District Planning Commissioner. A minimum of forty-eight (48) hours prior to any clearing activity within this fifty (50) foot easement for the purpose of extending utilities to the property, the owner/developer shall notify the Utilities, Environmental Engineering and Planning Departments and the Clover Hill District Planning Commissioner of such proposed clearing. An inspector from each of these County departments and the Clover Hill District Planning Commissioner shall be on-site during this clearing process. Subsequent to such clearing, silt fencing shall be installed in as determined appropriate by the

Environmental Engineering Department. (S, U, EE & P)

- ii. An easement around the SWM/BMP, of a width necessary to accommodate pedestrian circulation for use by authorized personnel. This easement may be located within the boundaries of the BMP easement normally required by the Environmental Engineering Department. The easement shall be located within the fenced area described in Condition 5.b. The easement shall be posted with a sign stating: "No Trespassing-For Authorized Personnel Only." (S)

(NOTE: The purpose of Condition 5.c. is to provide a water quality teaching area north of the SWM/BMP and an easement around the SWM/BMP. It is the intent that the SWM/BMP and the area north of the SWM/BMP be used by several schools for the purpose of studying water quality monitoring techniques in the SWM/BMP and the outflow into the creek, north of the SWM/BMP, leading to the Swift Creek Reservoir. It is also the intent that the area be used to study the benefits of providing tree-save areas as riparian corridors adjacent to creeks. However, the area could be used for other purposes as may be determined by the County in the future, subject to Substantial Accord Approval).

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| (STAFF/CPC) | 6. <u>BMP Design.</u> Any above ground facilities required for water quantity or quality control shall be designed as wet ponds and shall be landscaped or otherwise improved so that the facilities become visual enhancements to, and amenities for, the project. At the time of plan review, a plan depicting this requirement shall be submitted for review and approval. (EE) |
| (STAFF/CPC) | 7. <u>Sidewalks.</u> Sidewalks shall be provided on both sides of Temie Lee Parkway and the extension of St. Elizabeth Drive. The exact location and design of sidewalks shall be approved at the time of plan review. (P) |
| (STAFF/CPC) | 8. All lots shall have access to both St. Elizabeth's Drive and Temie Lee Parkway. (P) |
| (STAFF/CPC) | 9. The minimum lot size shall be 15,000 square feet. Lots abutting Southshore Subdivision shall contain a minimum of 18,600 square feet. Lots abutting Lands End Subdivision shall contain a minimum of 43,250 square feet. Should any open space be provided between the proposed lots and the adjacent subdivisions noted herein, the minimum lot sizes noted herein shall continue to |

apply as though no open space separates the proposed lots from these adjoining developments. (P)

- (STAFF/CPC) 10. A maximum of two (2) lots shall be permitted to abut the Lands End Subdivision. (P)
- (STAFF/CPC) 11. Dwelling units shall have a minimum of 2,500 square feet of gross floor area adjacent to Lands End and Southshore subdivisions and 2,200 square feet of gross floor area adjacent to St. Clair subdivision. Should any open space be provided between the proposed lots and the adjacent subdivisions noted herein, the minimum dwelling unit sizes noted herein shall continue to apply as though no open space separates the proposed lots from these adjoining developments. (BI & P)
- (STAFF/CPC) 12. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
- (STAFF/CPC) 13. A single row of evergreen trees (Bayberry or similar species subject to Planning Department approval) a minimum of six (6) feet in height at time of planting, shall be planted, approximately ten (10) feet on center, along the uphill side of the RPA located on lots that abut Lands End Subdivision. The exact location of such landscaping shall be approved by the Planning Department. (P & EE)
- (STAFF/CPC) 14. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
- a) No lot shall be used except for residential purposes.
 - b) No initial improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna (except as permitted by law), or similar device, or change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.
 - c) Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers,

electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.

- d) In considering requests for approval of fences and hedges, the following general guidelines will be applied:
 - i. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
 - ii. No fence or hedge shall generally be permitted higher than 48 inches of any Lot.
 - iii. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
- e) Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
- f) No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
- g) No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.
- h) No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph b.

- i) No above ground swimming pools shall be permitted. No in-ground swimming pools shall be located nearer to any street line than the rear building line of the dwelling.
- j) No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- k) No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- l) No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
- m) No exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building, except as permitted by law.
- n) No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph b.
- o) Any one or more of the covenants or restrictions imposed by paragraphs a through n above may be waived or modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.
- p) In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
- q) Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in

no way affect any of the other provisions which shall remain in full force and effect.

- r) Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
- s) Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
- t) These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.
- u) The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants.
- v) The covenants and restrictions of this Declaration shall run with and bind the Properties and the Owners, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for three (3) successive periods of ten (10) years each unless revoked by a recorded instrument executed by the Owners of a majority of the Lots subject hereto. (P)

- (STAFF/CPC) 15. Prior to tentative subdivision approval, the developer shall submit certification to the Planning Department that all adjacent property owners of record in the Department of Real Estate Assessment, the last known representative of Southshore Homeowners Association on file with the Planning Department and the Clover Hill District Planning Commissioner have been notified in writing of the submission of the tentative plan to the County for review and approval. The tentative subdivision application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for appeal to the Planning Commission shall not commence until such certification has been provided. (P)

GENERAL INFORMATION

Location:

Northeastern terminus of Saint Elizabeth Drive and off the northern terminus of Temie Lee Parkway. Tax ID 724-672-Part of 9387 (Sheet 15).

Existing Zoning:

A with Conditional Use Planned Development

Size:

14.2 acres

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-12; Single family residential
South - O-2 with Conditional Use Planned Development; Vacant
East - R-7; Single family residential and public/semi-public
West - R-9; Single family residential

UTILITIES

Public Water System:

There are three (3) existing public water lines that are adjacent to the request site. An eight (8) inch water line extends along Temie Lee Parkway terminating adjacent to the southeastern boundary of the site; an eight (8) inch water line extends along St. Elizabeth

Drive terminating adjacent to the southwest boundary of this site; and an eight (8) inch water line extends along Harbour Pointe Road, terminating adjacent to the northeast boundary of this site. Use of the public water system to serve this site is recommended by the Upper Swift Creek Plan and has been proffered. (Proffered Condition 1)

To provide for adequate emergency flow in this area, connection will be required to each of the existing eight (8) inch water lines in Temie Lee Parkway, St. Elizabeth Drive, and Harbour Point Road.

Public Wastewater System:

There is an existing eight (8) inch wastewater collector line extending along the northeast boundary of this site and along the southeast boundary of this site, adjacent to Temie Lee Parkway. Use of the public wastewater system to serve this site is recommended by the Upper Swift Creek Plan and has been proffered. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to the east to a tributary of Swift Creek Reservoir. There are currently no on- or off-site drainage or erosion problems and none are anticipated after development. The property is wooded and, as such, should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will insure that adequate erosion control measures are in place prior to any land disturbance. (Proffered Condition 4)

Water Quality:

A portion of this property drains through the existing BMP that is partially located on the Clover Hill High School property. In addition to paying into the pro-rata fee for regional BMP construction, the developer has proffered to increase the volume within this existing BMP to achieve the required pollutant removal from this site. (Proffered Condition 5.a)

Clover Hill High School, which was constructed approximately thirty (30) years ago, had the majority of its old impervious area draining directly into Swift Creek Reservoir with no water quality features for removal of pollutants. Consistent with conditions of Case 01SN0121 affecting both this property and the adjacent O-2 and C-2 parcels (reference "Case History"), the existing BMP will continue to accommodate runoff from Clover Hill High School as well as development on the subject property. (Proffered Condition 5.b)

Proffered Condition 6 requires that any BMP's be designed as wet ponds and be landscaped or otherwise improved, as a visual amenity for the project.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. The residential portion of this development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on twenty-five (25) dwelling units, this request will generate approximately six (6) calls for fire and emergency medical service each year. The applicant has addressed the impact on fire and EMS. (Proffered Condition 2)

The Clover Hill Fire Station, Company Number 7, and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately fourteen (14) students will be generated by this development. Currently, this site lies in the Clover Hill Elementary School attendance zone: capacity - 759, enrollment - 859; Swift Creek Middle School zone: capacity - 1,027, enrollment - 1,483; and Clover Hill High School zone: capacity - 1,582, enrollment - 2,080. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006.

This request will have a significant impact at the elementary and secondary levels. There are currently five (5) trailers at Clover Hill Elementary, fifteen (15) at Swift Creek Middle and twenty (20) at Clover Hill High.

A new elementary school is in the Capital Improvement Plan (CIP) that will provide relief for Clover Hill and other schools in the area. A new middle school is in the current CIP and is proposed to open in the fall of 2009 that will provide relief for schools in this area of the county. The new Cosby High School is under construction, and is scheduled to open in the fall of 2006. This school will provide relief for Clover Hill High and Manchester High Schools.

This case, combined with other tentative residential developments and zoning cases in the zones, would continue to push these schools to capacity. This case could necessitate some form of relief in the future. The applicant has addressed the impact of the development on school facilities. (Proffered Condition 2)

Consistent with existing conditions of Case 01SN0121 affecting this property (reference “Case History”), Proffered Condition 5 continues to provide for a BMP designed to serve both this development as well as the Clover Hill High School complex. This BMP as well as a tree save area north of the facility will also serve several schools as a teaching facility for the purpose of studying water quality monitoring techniques associated with the Swift Creek Reservoir.

Libraries:

Consistent with the Board of Supervisors’ policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of property noted in this case could affect either the existing Clover Hill Library or a proposed new facility in the vicinity of Beach and Winterpock Roads. The Plan identifies a need for additional library space in this area. The applicant has addressed the impact of the development on library facilities. (Proffered Condition 2)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreational facilities. (Proffered Condition 2)

Transportation:

The property (14.2 acres) is currently zoned Agricultural (A), and the applicant is requesting rezoning to Residential (R-12). The applicant has proffered a maximum density of twenty-six (26) lots (Proffered Condition 3). Based on single-family trip rates, development could generate approximately 310 average daily trips.

These vehicles will be initially distributed along Temie Lee Parkway and along streets within Southshore Subdivision to Hull Street Road (Route 360), which had a 2001 traffic count of 61,549 vehicles per day. The section of Route 360 between Winterpock Road and Old Hundred Road exceeds its capacity (Level of Service F) for the volume of traffic it carries. Drivers along this section of Route 360 experience extreme congestion, especially during peak periods.

The traffic impact of this development must be addressed. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors’ Policy, towards mitigating the traffic impact of this development (Proffered Condition 2). As development continues in this

part of the county, traffic volumes on area roads will substantially increase. Cash proffers alone will not cover the cost of the improvements needed to accommodate the traffic increases. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan; except for a project to widen Route 360 to six (6) and eight (8) lanes from Swift Creek to Winterpock Road which will be funded with state funds and county bond proceeds. Construction is anticipated to begin in the summer of 2006.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	25*	1.00
Population Increase	68.00	2.72
Number of New Students		
Elementary	5.83	0.23
Middle	3.25	0.13
High	4.23	0.17
TOTAL	13.30	0.53
Net Cost for Schools	133,700	5,348
Net Cost for Parks	15,100	604
Net Cost for Libraries	8,725	349
Net Cost for Fire Stations	10,125	405
Average Net Cost for Roads	223,550	8,942
TOTAL NET COST	\$391,200	\$15,648

* Based on a proffered maximum of 25 dwelling units (Proffered Condition 3). The actual number of dwelling units and the corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 2)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. The Plan is currently being revised. The draft Plan, as recommended by the Planning Department, is consistent with the aforementioned recommendation of the current Plan for this property.

Area Development Trends:

Properties to the north, northeast and west have been developed as part of the Southshore, Lands End and St. Clair subdivisions. Property to the southeast is occupied by the Clover Hill High School. Property to the south is zoned for office use and is currently vacant. It is anticipated that residential development on the request property will be incorporated into an overall development plan with office and commercial properties to the south.

Zoning History:

On February 23, 2003, upon a favorable recommendation by the Planning Commission, the Board of Supervisors approved a rezoning of the adjacent properties to the south to Corporate Office (O-2) and Neighborhood Business (C-2) with Conditional Use Planned Development on these properties plus an existing zoned neighborhood Business (C-2) tract and the subject property (Case 01SN0121). Conditions were imposed on the subject property that, in part, addressed BMP location, design and construction and sidewalk and road connections to the O-2 and C-2 tracts and to the adjacent St. Clair Subdivision. These provisions have been incorporated into the current zoning request.

Density and Lot Sizes:

The applicant has proffered a maximum of twenty-five (25) lots, yielding a maximum density of approximately 1.8 dwelling units per acre. (Proffered Condition 3)

Proffered Condition 9 requires a minimum lot size of 15,000 square feet, with larger lot sizes adjacent to Southshore and Lands End Subdivisions. No more than two (2) lots can abut the Lands End Subdivision. (Proffered Condition 10)

Dwelling Size and Foundation Treatment:

Proffered Conditions 11 and 12 address minimum dwelling size and foundation treatments.

Buffers:

A portion of the subject property abuts an existing residential subdivision to the east (Lands End). Currently, the Ordinance does not require the provision of a buffer between

single family residential districts. Consistent with conditions of Case 01SN0121 affecting this property (reference “Case History”), Proffered Condition 5.c provides for a fifty (50) foot easement abutting this adjacent subdivision, within which measures will be taken to minimize tree removal as part of a water quality teaching area. Further, Proffered Condition 13 requires additional plantings on lots abutting the Lands End development. It has been staff’s experience that individual homeowners tend to clear preservation planting areas included within the boundaries of individual lots. To preserve the integrity of this strip, Proffered Condition 5.c and 13 should require that these areas be provided in open space.

It should be noted that the stream bordering the subject property to the east has been determined to be perennial and currently subject to a 100-foot conservation area.

Sidewalks:

Consistent with conditions of Case 01SN0121 affecting this property (reference “Case History”), sidewalks are proposed along St. Elizabeth Drive and Temie Lee Parkway, connecting existing and future residential neighborhoods, commercial and office developments. (Proffered Condition 7)

Access to St. Elizabeth Drive:

St. Elizabeth Drive, which serves St. Clair Subdivision, is located to the western limits of the subject property. Should this right of way be extended to provide sole access to a portion of the proposed development, lot size and density compatibility with lots in the portion of St. Clair Subdivision would need to be addressed. The applicant has proffered that all lots within the proposed development will have access to both St. Elizabeth Drive and Temie Lee Parkway, thereby eliminating the need to address this compatibility issue. (Proffered Condition 8)

Notification of Adjacents:

In response to concerns of area residents and the Clover Hill District Commissioner, the applicant submitted Proffered Condition 15. This proffer requires the developer to notify all adjacent property owners, a representative of the Southshore Homeowners Association and the Clover Hill District Commissioner of the submission of tentative subdivision plans. It is imperative that the association keep the Planning Department current with the name and address of the representative to be notified.

Restrictive Covenants:

The applicant has agreed to record restrictive covenants (Proffered Condition 14). It should be noted that the County will not be responsible for enforcing the restrictive covenants, only that they be recorded. Once recorded, the restrictive covenants may be changed.

CONCLUSIONS

The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.0 units per acre or less. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (4/13/06):

An additional proffered condition was submitted.

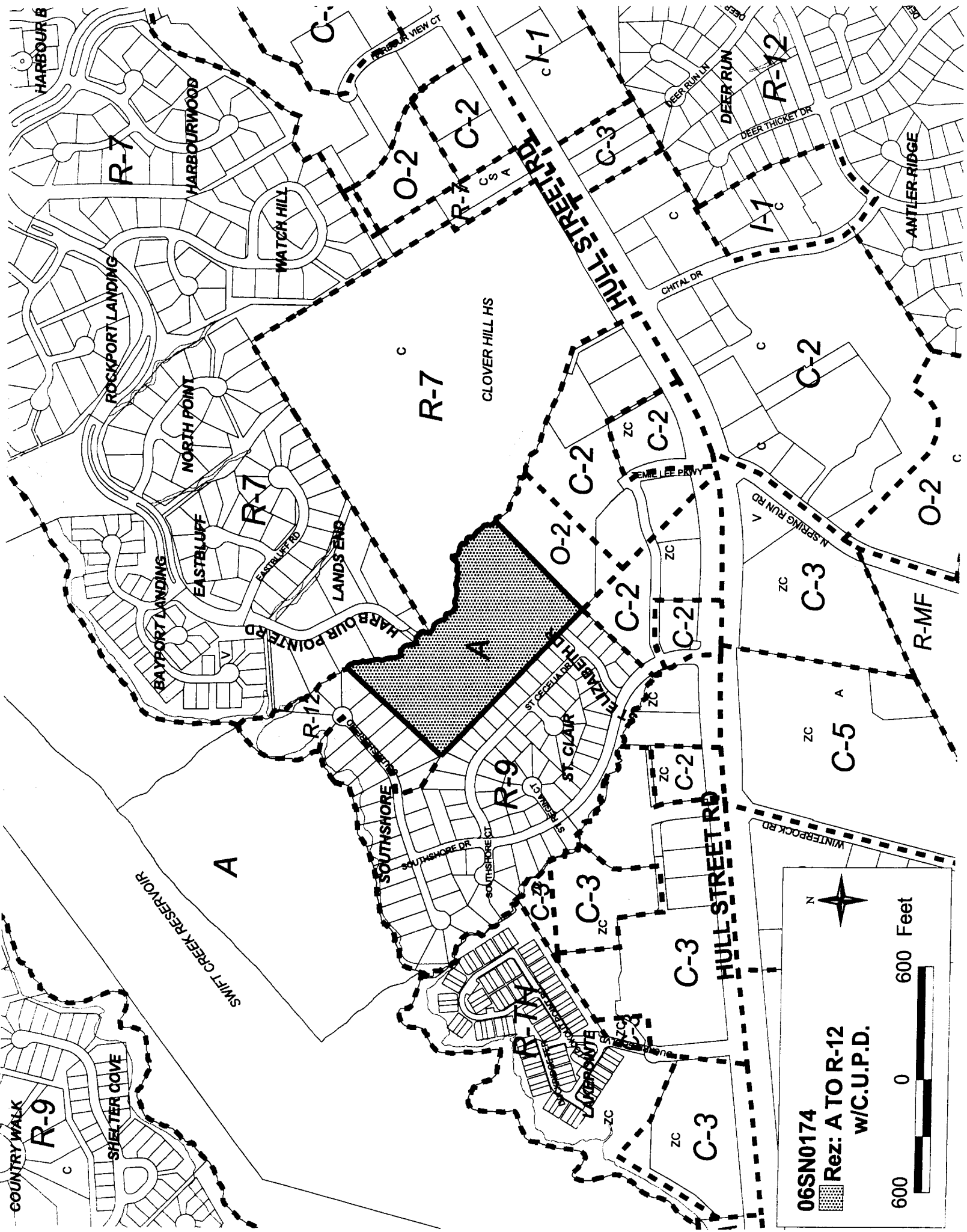
Planning Commission Meeting (4/18/06):

The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission recommended approval and acceptance of the proffered conditions on pages 2 through 9.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, May 24, 2006, beginning at 7:00 p.m., will take under consideration this request.



06SN0174

Rez: A TO R-12
w/C.U.P.D.

